

W. J. Laney testified by affidavit as follows:

I, W. J. Laney, do solemnly swear that I have carefully examined the brief of evidence, in the case of Leo M. Frank, plaintiff in error, vs. the State, defendant in error, now of file in the office of the Clerk of the Supreme Court of Georgia, and I find that said brief shows that on the trial of said case in the Supreme Court, the State introduced the following witnesses, to-wit:

Anderson, W.E.
Barrett, R.P.
Beavers, J.L.
Black, John R.
Coleman, Mrs. J.W.
Conley, James,
Dalton, C.B.
Darley, N.V.
Dobbs, L.S.
Epps, Geo.
February, G.C.
Ferguson, Miss Helen
Gantt, J.M.
Gheesling, W.H.
Grice, L.O.
Harris, Dr. H.F.
Haslett, B.B.
Hicks, Miss Grace,
Holloway, E.F.
Hurt, Dr. J.W.
Jefferson, Mrs. Geo.W.
Lassiter, R.M.
Lee, Newt,
McKnight, Albert,
Mangum, C.W.
Parry, H.L.
Rogers, W.W.
Rosser, S.L.
Scott, Harry,
Smith, Dr. Claude,
Stanford, Mell.
Starnes, J.N.
Stover, Miss Monteen
Waggoner, R.L.
White, Mrs. J.A.

Said Brief of Evidence shows, that after introducing the above named witnesses, the State rested.

Said Brief of Evidence shows that the State introduced in said trial, the following witnesses in rebuttal, to-wit:

Ballard, N.J.
Born, J.T.
Boyce, Leon,

Benedict, Dr. S.C.
Caldwell, M.G.,
Caret, Miss Marie,
Carson, Miss Rebecca,
Cato, Miss Myrtle,
Craven, R.L.,
Cook, W.M.
Carr, Henry,
Coleman, J.W.,
Davis, Miss Mary,
Dobbs, Sergeant L.S.
Dobbs, W.C.,
Donegan, Mrs. D.
Duffy, J.E.
Epps, Vera,
Elder, W.J.
Floyd, J.R.
Funk, Dr. John
Gant, J.M.
Goddard, R.M.
Goddard, A.L.
Graham, B.K.
Griffin, Miss Maggie
Gordon, Geo.
Hale, W.C.
Heifner, F.P.
Hunt, A.W.
Hendricks, J.H.
Hewell, Miss Dewey,
Hoffman, Henry,
Hollie, W.T.
Hearn, J.T.
Houston, A.B.
Ingram, L.
Johnson, Dr. Clarence
Johnson, Mrs. H.R.
Johnson, R.V.
Jones, Ivy
Kendley, Geo.
Kendrick, L.T.
Kelley, N.
Kitchens, Miss Mamie
Matthews, W.M.
Maynard, C.J.
Merk, W.P.
McGinnis, C.B.
McKnight, Albert,
McEwing, J.C.
McCoy, M.E.

Niles, Dr. G.M.
Owens, W.B.
Patrick, W.C.
Pettis, Miss Nellie
Picket, E.H.
Reed, J.D.
Robinson, Miss Ruth,
Rogers, W.W.
Rice, J.S.
Scott, Harry
Smith, Len.
Smith, Miss Carrie
Starnes, J.N.
Tillander, C.
Turner, W.E.
Wallace, Mrs. Mary E
Winkle, Miss Estelle
Wright, W.M.

Of said list of witnesses introduced in rebuttal by the State the following were “character witnesses”, who testified to the bad character of the defendant, Leo M. Frank, to wit:

Miss Myrtle Cato.
Mrs. H.R. Johnson,
Mary Davis,
Carrie Smith.
Maggie Griffin,
Miss Marie Caret,
Mrs. Mary E. Wallace
Mrs. C.D. Donegan,
Miss Nellie Pettis,
Estelle Winkle.

Deponent does not construe certain witnesses who testified to specific acts of the defenant [sic], reflecting on his character as “character witnesses”.

I have also carefully examined a document handed me by Mr. Hugh M. Dorsey purporting to be a copy of the Extraordinary Motion for New Trial filed by the defendant Leo M. Frank. In said motion it is alleged that the following witnesses, introduced at said trial have repudiated their testimony, or certain material parts thereof, to-wit:

Albert McKnight,
Miss Mamie Kitchens,
Miss Marie Karst (Carst)
Miss Dewey Hewell,
C.B. Dalton,
Ivy Jones,
Miss Ruth Roberts
J.E. Duffey.

Of said list of witnesses, who are alleged to have repudiated their testimony delivered on said trial, only one to-wit:

Miss Marie Karst (Carst)
was a “character witness”.

The following is a numerical summary of the foregoing list of witnesses:

Total introduced by State-----99-----Total alleged to have repudiated-----8-----
Character witness inter- Character witnesses alleg-
duced by the State-----10-- leged to have repudiated testimony-----1

Deponent further says that he is an attorney at law, and has been practicing at the Atlanta bar about seven years.